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No. 822

In The Supreme Court of the United States

OCTOBER TERM, 1943

THOMAS HENRY TROTT

vs.

McDONOUGH MOTOR EXPRESS CO., Inc.
a Corporation, et al

ON PETITION FOR A WRIT OF CERTIORARI TO THE SUPREME COURT OF MISSISSIPPI

MOTION TO DISMISS UNITED IN THE ALTERNATIVE WITH A MOTION TO AFFIRM

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The Respondent moves the Court to dismiss the Petition and in the alternative moves for an affirmance, after the Court has ruled upon the jurisdictional matters, upon the following grounds:

1. The Petitioner has presented no separate typewritten statement showing that the nature of the case and the rulings of the Court were such as to bring the case within the jurisdictional provisions relied upon.

2. The Petitioner has filed no printed brief with references to a printed record.

3. The Petitioner has served no copy of a printed record upon the Respondent.

4. The page references in Petitioner's brief to

pleadings, evidence and other proceedings are not to a printed brief, and it is not disclosed to what the page references refer.

5. While under the provisions of law relating to proceedings in forma pauperis in courts of the United States (U. S. C. A. Title 28 Sec. 831; July 20, 1892, C 209, Sec. 1, 27 Stat. 252; June 25, 1910, C 435, 36 Stat. 866; June 27, 1922, C 246, 42 Stat. 666) a litigant is not required to prepay fees or costs or for the printing of the record, he is not relieved of printing the record and of compliance with the appellate procedure and the rules of the Court.

6. The Petitioner is in default of Rules 12, 13, 27 and 38 of this Court.

Respectfully submitted,

George Butler
Edw. L. Snow
J. A. Covington, Jr.